



PATENT
ATTORNEY DOCKET NO.: 051481-5122

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Andre VEINOTTE) Confirmation No.: 5011
Application No.: 10/758,126) Group Art Unit: 3747
Filed: January 16, 2004) Examiner: T. Moulis
For: ELASTOMERIC VAPOR FLOW)
CONTROL ACTUATOR)

Customer Window, Mail Stop Amendment

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111

TRANSMITTAL FORM

1. Transmitted herewith is a Request for Reconsideration responding to the Office Action dated December 17, 2004.
2. Additional papers enclosed:

Drawings: Formal Informal (Correction)
 Information Disclosure Statement
 Form PTO-1449, _____ references included
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| Total Months <u>Requested</u> | Fee for <u>Extension</u> | [Fee for Small Entity] |
|---------------------------------------|-----------------------------|---------------------------|
| <input type="checkbox"/> one month | \$ 120.00 | \$ 60.00 |
| <input type="checkbox"/> two months | \$ 450.00 | \$ 225.00 |
| <input type="checkbox"/> three months | \$ 1,020.00 | \$ 510.00 |
| <input type="checkbox"/> four months | \$ 1,590.00 | \$ 795.00 |

Extension of time fee due with this request: \$

If an additional extension of time is required, please consider this a Petition therefor.

An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|---|-------|--------------------------------|------------------|---------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 9 | minus | 20 | 0 | x \$50 each= | + \$ |
| Independent Claims (37 C.F.R. §1.16(b)) | 3 | minus | 3 | 0 | x \$200 each= | + \$0.00 |
| [] First presentation of Multiple dependent claim(s) | | | | | \$360.00 | + \$ |
| SUB-TOTAL = | | | | | | \$0.00 |
| Reduction by ½ for filing by a small entity | | | | | | - \$ |
| TOTAL FEE = | | | | | | \$0.00 |

6. Fee Payment

No fee is to be paid at this time.

The Commissioner is hereby authorized to charge the amount of \$_____, to Deposit Account No. 50-0310.

The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: January 26, 2005

By:


 Peter J. Sistare
 Registration No. 48,183
CUSTOMER NO. 09629

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In response to the Office Action dated December 17, 2004, the period for response to which extends through March 17, 2005, reconsideration is respectfully requested in view of the following remarks. The claims are reproduced for the convenience of the Office.